

INTERVENTION

BEFORE THE ARIZONA CORPORATE COMMISSION



0000173197

ORIGINAL

COMMISSIONERS

DOUG LITTLE, CHAIRMAN

BOB STUMP

BOB BURNS

TOM FORESE

ANDY TOBIN

Arizona Corporation Commission

DOCKETED

SEP 06 2016

DOCKETED BY

Ng

2016 SEP - 6 A 10: 21

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION
OF ARIZONA PUBLIC SERVICE
COMPANY FOR A HEARING TO
DETERMINE THE FAIR VALUE OF THE
UTILITY PROPERTY OF THE COMPANY
FOR RATEMAKING PURPOSES, TO FIX A
JUST AND REASONABLE RATE OF
RETURN ON THE FAIR VALUE OF THE
PROPERTIES OF ARIZONA PUBLIC
SERVICE COMPANY DEVOTED TO ITS
OPERATIONS THROUGH THE STATE OF
ARIZONA, AND FOR RELATED
APPROVALS.

DOCKET NO. E-01345A-16-0036

IN THE MATTER OF FUEL AND
PURCHASED POWER PROCUREMENT
AUDITS FOR ARIZONA PUBLIC SERVICE
COMPANY

DOCKET NO. E01345A-16-0123

CONSTELLATION NEW
ENERGY INC.'S APPLICATION
FOR LEAVE TO INTERVENE

Pursuant to A.A.C. R14-3-105, Constellation New Energy, Inc. ("CNE") hereby makes Application for Leave to Intervene ("Application") in the above-captioned and above-docketed proceeding ("Instant Proceeding"). In support of its Application, CNE submits the following information.

I.

DESCRIPTION OF CNE

CNE is a leading competitive energy supplier providing power, natural gas, renewable energy, and energy management products and services for homes and businesses across the continental United

1 States. CNE provides integrated energy solutions that help customers buy, manage and use
2 energy. CNE currently serve customers as a third party provider through APS' current AG-1
3 program, and has an interest in these proceedings as the same relates to continuation of the AG-1
4 program

5 .II.

6 CIRCUMSTANCES OCCASIONING CNE'S

7 INTERVENTION REQUEST

8
9 In its May 24, 2012 Decision No. 73183 in APS' 2011 rate case, the Commission approved
10 Experimental Rate Rider Schedule AG-1, Alternative Generation General Service ("AG-1
11 Program") for a four (4)-year period, commencing on July 1, 2012. Thereafter, following
12 discussions with prospective customers and third-party providers of alternative generation service,
13 APS implemented the AG-1 Program effective July 1, 2012. In that regard, APS conducted a
14 lottery to identify prospective candidates and ultimately select the AG-1 Program participants.

15
16
17 CNE successfully negotiated AG-1 Program generation service contracts with some of
18 APS' customers who were selected by APS to participate in the AG-1 Program, and CNE has
19 continuously been providing generation service to its AG-1 Program customers since
20 commencement of the AG-1 Program. In that regard, in its November 25, 2015 Decision No.
21 75322, the Commission extended the AG-1 Program until at least the date on which new rates and
22 charges become effective as a result of a final decision in APS' then contemplated 2016 rate case,
23 which was yet to be filed.

24
25
26 On June 1, 2016, APS filed its Application in the Instant Proceeding. Included in its
27 Application and supporting prepared Direct Testimony and Exhibits is a request by APS that the
28

1 AG-1 Program be terminated. A Commission decision either granting APS' request for termination
2 of the Program or substantially modifying the same could have a direct and substantial impact on
3 CNE within the contemplation and meaning of A.A.C. R14-3-105. In that regard, CNE's
4 intervention and participation as a party of record in the Instant Proceeding will not unduly delay
5 the conduct of the same, inasmuch as CNE currently does not contemplate raising issues not
6 already raised directly or indirectly by APS in its Application.
7
8

9 **III.**

10 **SATISFACTION OF REQUIREMENTS FOR INTERVENTION PRESCRIBED**

11 **BY A.A.C. R14-3-105**

12 Against the background of Sections I and II above, CNE believes that it has fully satisfied
13 the requirements of A.A.C. R14-3-105 governing requests for intervention in proceedings before
14 the Commission. First, as an existing third party provider of electric generation service to existing
15 AG-1 Program customers pursuant to a contract complying with the AG-1 Program protocols and
16 requirements, CNE will be "substantially and directly affected" by a Commission decision in the
17 Instant Proceeding as to whether or not to terminate the AG-1 Program, as requested by APS, or to
18 continue the same in either its existing or some modified form and content. In that regard, as one
19 (1) of the Joint Movants in the motion requesting extension of the AG-1 Program, which motion
20 was the subject of the Commission's Decision No. 75322, CNE also has an interest in how the
21 Commission addresses and resolves certain questions identified in Decision No. 75322 that were
22 deferred for a final decision by the Commission within the context of the Instant Proceeding.
23
24 Second, CNE's intervention and participation in the Instant Proceeding will not delay the same or
25 broaden the issues to be considered therein, because APS itself has included the status of the AG-1
26
27
28

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P. O. Box 1448
Tubac, Arizona 85646

1 Program and asserted alternatives thereto for serving large commercial and industrial customers as
2 a part of its June 1, 2016 filing with the Commission.

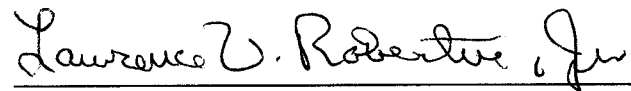
3
4 IV.

5 CONCLUSION

6 WHEREFORE, CNE hereby requests that the Commission enter an appropriate form of
7 order granting (i) CNE's Application for Leave to Intervene in the Instant Proceeding and (ii) CNE
8 all rights as a party of record therein.
9

10
11 Dated this 1st day of Septmber, 2016.

12 Respectfully submitted,

13
14 

15 Lawrence V. Robertson, Jr.
16 Attorney for Constellation New Energy, Inc.

17 The original and thirteen (13) copies
18 of the foregoing will be mailed
19 this 1st day of September, 2016 with:

20 Docket Control
21 Arizona Corporation Commission
22 1200 West Washington Street
23 Phoenix, Arizona 85007

24 A copy of the same served by e-mail
25 or first class mail that same date to:

26 Arizona Corporation Commission
27 Dwight Nodes
28 1200 W. Washington
Phoenix, Arizona 85007-2927

Arizona Corporation Commission
Thomas Broderick

LAWRENCE V. ROBERTSON, JR.

ATTORNEY AT LAW

P. O. Box 1448

Tubac, Arizona 85646

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1200 W. Washington St.
Phoenix, Arizona 85007

Arizona Corporation Commission
Janice Alward
1200 W. Washington
Phoenix, Arizona 85007

Thomas Loquvam
PINNACLE WEST CAPITAL CORPORATION
P.O. Box 53999, MS 8695
Phoenix Arizona 85072
Thomas Mumaw
Melissa Krueger
Pinnacle West Capital Corporation
PO Box 53999, MS 8695
Phoenix, Arizona 85072

All Other Parties of Record